

THURSDAY, APRIL 9, 1998
EIGHTY- THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Leland Carden, First United Methodist Church, Smithville, Tennessee.

Representative Buck led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative White; family illness

Representative Phillips; illness

Representative Kerr; business reasons

Representative Jackson; personal reasons

RULES SUSPENDED

Rep. Brooks moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 641 out of order, which motion prevailed.

House Joint Resolution No. 641 -- Memorials, Professional Achievement - WDIA, 50th anniversary. by *Brooks, *Kernell, *Turner (Shelby), *Chumney, *DeBerry L, *Cooper B, *Hassell, *Bowers, *DeBerry J, *Jones U (Shelby), *Miller L, *Pleasant, *Towns, *Hargett, *Pruitt, *Scroggs, *Haley, *Kent.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brooks, the resolution was adopted by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 177: Rep(s). Stamps and Pleasant as prime sponsor(s).

House Resolution No. 190: Rep(s). Ferguson and Bowers as prime sponsor(s).

House Joint Resolution No. 625: Rep(s). Stamps, Pleasant, McDonald and McAfee as prime sponsor(s).

House Joint Resolution No. 641: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 127: Rep(s). Langster as prime sponsor(s).

House Bill No. 1588: Rep(s). Newton as prime sponsor(s).

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House Bill No. 2082: Rep(s). Langster and Brown as prime sponsor(s).

House Bill No. 2464: Rep(s). Dunn, J. DeBerry, U. Jones, Walker(Blount), Pleasant, Hargett, Haley, Hassell, Sargent, Goins and Cole(Carter) as prime sponsor(s).

House Bill No. 2466: Rep(s). Goins, Pleasant, Hargett, Haley, Sargent, Hassell, Cole(Carter), Dunn, U. Jones, J. DeBerry, Walker(Rhea) and Walker(Blount) as prime sponsor(s).

House Bill No. 2497: Rep(s). Langster and Pruitt as prime sponsor(s).

House Bill No. 2498: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 2628: Rep(s). McDonald as prime sponsor(s).

House Bill No. 2716: Rep(s). Bowers and Turner(Hamilton) as prime sponsor(s).

House Bill No. 2772: Rep(s). Scroggs, Bowers, Kent and Cole(Carter) as prime sponsor(s).

House Bill No. 2867: Rep(s). Dunn as prime sponsor(s).

House Bill No. 2907: Rep(s). Bittle, Burchett, Ford, Walley, Bone, McMillan, Towns, Cooper, Winningham, Ridgeway, Brooks, McAfee, Curtiss, Hicks, Sharp, Mumpower, Godsey, Head, Tidwell, Davidson, Whitson, J. DeBerry, U. Jones, Walker(Rhea), Patton, Goins, Kerr, Cole(Carter), Sargent, Wood, Maddox, Armstrong, Dunn, Odom and Turner(Hamilton) as prime sponsor(s).

House Bill No. 2949: Rep(s). Eckles, Davidson, Cole(Carter), Fowlkes, McDonald, Head, Bone, Rhinehart, Walley and Hood as prime sponsor(s).

House Bill No. 2965: Rep(s). Arriola, West, Ferguson, Mumpower, Beavers, Garrett, S. Jones, Cross, Godsey, Caldwell, Bone and Halteman Harwell as prime sponsor(s).

House Bill No. 3000: Rep(s). Cole(Dyer), Godsey, Givens, Garrett, Langster, Patton, Ford, S. Jones, Beavers, Mumpower, Phelan, Rinks, McMillan, West, Cole(Carter), Bone, Halteman Harwell and Kent as prime sponsor(s).

House Bill No. 3135: Rep(s). Pleasant, Hargett, Newton, Bowers, Haley and Walker(Blount) as prime sponsor(s).

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 632; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 632 -- Memorials, Sports - 1997-1998 Shelby State Community College mens' basketball team, national runner-up. by *Cohen.

MESSAGE FROM THE SENATE
April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2718; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 521, 590, 591, 593, 594, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610 and 611; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 521** -- Memorials, Government Officials - Urges department of transportation to widen and construct truck lane on Monterey Mountain segment of I-40 eastbound; urges department of safety to station four wheel drive vehicles in Monterey Mountain area and to issue uniforms to highway patrol officers that offer adequate protection from winter storms. by *Burks, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 590 -- Memorials, Academic Achievement - Jennifer Jane Schake, Co-salutatorian, Loretto High School. by *Springer.

Senate Joint Resolution No. 591 -- Memorials, Academic Achievement - Timothy Whittsett, Jr., Valedictorian, Loretto High School. by *Springer.

Senate Joint Resolution No. 593 -- Memorials, Interns - Tonya Shane Thomason. by *Crowe, *Ramsey.

Senate Joint Resolution No. 594 -- Memorials, Death - Archie Wilson Womack. by *Cooper.

Senate Joint Resolution No. 596 -- Memorials, Death - James Dallas "Jimmy" Floyd. by *Rochelle.

Senate Joint Resolution No. 597 -- Memorials, Death - Theodore Roosevelt Armstrong. by *Rochelle.

Senate Joint Resolution No. 598 -- Memorials, Death - Lorene Faye Paris Hughes. by *Rochelle.

Senate Joint Resolution No. 599 -- Memorials, Academic Achievement - Barbara Baker, Valedictorian, Gordonsville High School. by *Rochelle.

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Senate Joint Resolution No. 600 -- Memorials, Academic Achievement - Adam Price, Salutatorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 601 -- Memorials, Death - Howard Adler. by *McNally.

Senate Joint Resolution No. 602 -- Memorials, Public Service - Helen Handley. by *McNally.

Senate Joint Resolution No. 603 -- Memorials, Professional Achievement - Bill Glover, cattle photographer. by *Herron.

Senate Joint Resolution No. 604 -- Memorials, Death - State Senator Jeff Green of Kentucky. by *Herron.

Senate Joint Resolution No. 605 -- Memorials, Professional Achievement - Jimmy Tosh. by *Herron, *Harper.

Senate Joint Resolution No. 606 -- Memorials, Professional Achievement - Kim Walker, President of Tennessee Register's Association. by *Herron.

Senate Joint Resolution No. 607 -- Memorials, Sports - 1997-1998 Trimble Junior High School boys' basketball team, TNT Invitational Tournament champions. by *Herron.

Senate Joint Resolution No. 608 -- Memorials, Death - Colonel Tom Elam. by *Herron, *Henry, *Haynes, *Herron.

Senate Joint Resolution No. 609 -- Memorials, Death - Barry White. by *Herron.

Senate Joint Resolution No. 610 -- Memorials, Interns - Robert Champ Crocker. by *Springer.

Senate Joint Resolution No. 611 -- Memorials, Sports - 1997-1998 Waverly Central High School boys' basketball team. by *Springer.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 692** -- General Assembly, Directed Studies - Urges department of transportation to study feasibility of improving S.R. 72 in Monroe, Loudon and Roane counties. by *Ferguson, *Gunnels.

Transportation Committee

***House Joint Resolution No. 694** -- Highway Signs - "Gilliam-Green-Robbins Memorial Bridge," U.S.45E and S.R. 22 in Weakley County. by *Maddox.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 13, 1998:

House Joint Resolution No. 696 -- Memorials, Personal Achievement - Dylan Skidmore, Eagle Scout of the Year. by *Huskey.

House Joint Resolution No. 698 -- Memorials, Recognition and Thanks - Walker Homes Neighborhood Associates Homecoming Celebration. by *Cooper B, *Bowers, *DeBerry L, *Miller L, *Towns, *DeBerry J, *Brooks, *Turner (Shelby), *Jones U (Shelby).

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 13, 1998:

Senate Joint Resolution No. 590 -- Memorials, Academic Achievement - Jennifer Jane Schake, Co-salutatorian, Loretto High School. by *Springer.

Senate Joint Resolution No. 591 -- Memorials, Academic Achievement - Timothy Whittsett, Jr., Valedictorian, Loretto High School. by *Springer.

Senate Joint Resolution No. 593 -- Memorials, Interns - Tonya Shane Thomason. by *Crowe, *Ramsey.

Senate Joint Resolution No. 594 -- Memorials, Death - Archie Wilson Womack. by *Cooper.

Senate Joint Resolution No. 596 -- Memorials, Death - James Dallas "Jimmy" Floyd. by *Rochelle.

Senate Joint Resolution No. 597 -- Memorials, Death - Theodore Roosevelt Armstrong. by *Rochelle.

Senate Joint Resolution No. 598 -- Memorials, Death - Lorene Faye Paris Hughes. by *Rochelle.

Senate Joint Resolution No. 599 -- Memorials, Academic Achievement - Barbara Baker, Valedictorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 600 -- Memorials, Academic Achievement - Adam Price, Salutatorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 601 -- Memorials, Death - Howard Adler. by *McNally.

Senate Joint Resolution No. 602 -- Memorials, Public Service - Helen Handley. by *McNally.

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Senate Joint Resolution No. 603 -- Memorials, Professional Achievement - Bill Glover, cattle photographer. by *Herron.

Senate Joint Resolution No. 604 -- Memorials, Death - State Senator Jeff Green of Kentucky. by *Herron.

Senate Joint Resolution No. 605 -- Memorials, Professional Achievement - Jimmy Tosh. by *Herron, *Harper.

Senate Joint Resolution No. 606 -- Memorials, Professional Achievement - Kim Walker, President of Tennessee Register's Association. by *Herron.

Senate Joint Resolution No. 607 -- Memorials, Sports - 1997-1998 Trimble Junior High School boys' basketball team, TNT Invitational Tournament champions. by *Herron.

Senate Joint Resolution No. 608 -- Memorials, Death - Colonel Tom Elam. by *Herron, *Henry, *Haynes, *Herron.

Senate Joint Resolution No. 609 -- Memorials, Death - Barry White. by *Herron.

Senate Joint Resolution No. 610 -- Memorials, Interns - Robert Champ Crocker. by *Springer.

Senate Joint Resolution No. 611 -- Memorials, Sports - 1997-1998 Waverly Central High School boys' basketball team. by *Springer.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3420 -- Milan - Subject to local approval, revises charter. Amends Chapter 458 of the Acts of 1901, as amended. by *Pinion, *Phelan.

House Bill No. 3421 -- Athens - Subject to local approval, revises charter relative to elections of city councilmen and board of education; revises certain salaries; and revises requirements for recall petitions. Amends Chapter 455 of the Private Acts of 1953. by *McKee.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3415 -- Rhea County -- Local Bill Held on Clerk's Desk

House Bill No. 3416 -- Ardmore -- Local Bill Held on House Desk

House Bill No. 3417 -- Pulaski -- Local Bill Held on House Desk

House Bill No. 3418 -- Chapel Hill -- Local Bill Held on House Desk

House Bill No. 3419 -- Anderson County -- Local Bill Held on House Desk

REPORT OF DELAYED BILLS COMMITTEE
April 9, 1998

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3395.

Jimmy Naifeh, Speaker
Jere Hargrove
Steve McDaniel

HOUSE BILL REFERRED
April 9, 1998

House Bill No. 3395 -- County Government -- House State & Local Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 9, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 13, 1998**: House Bill(s) No(s). 3312, 2182, 2181, 2162, 2164, 2165, 3056, 2898, 2899, 2363, 2632, 1678, 2487, 2878, 3267, 2876, 2196, 3296, 1711, 2750, 2531, 2528, 222, House Joint Resolution(s) No(s). 619 499.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 13, 1998**: House Bill(s) No(s). 2058, 2059, 2060, 2061, 2063, 2057, 2808, 2886, 3039, 3188 and 2725.

CONSENT CALENDAR

House Resolution No. 190 -- Memorials, Interns - Yandla Nwana Adams. by *Givens.

House Resolution No. 191 -- Memorials, Personal Occasion - Leo Allen Bilbrey, 80th Birthday. by *Hargrove, *McAfee.

House Joint Resolution No. 641 -- Memorials, Professional Achievement - WDIA, 50th anniversary. by *Brooks, *Kernell, *Turner (Shelby), *Chumney, *DeBerry L, *Cooper B, *Hassell, *Bowers, *DeBerry J, *Jones U (Shelby), *Miller L, *Pleasant, *Towns, *Hargett, *Pruitt, *Scroggs, *Haley, *Kent.

House Joint Resolution No. 686 -- Memorials, Recognition and Thanks - George Phillips, 25 years of service. by *Burchett.

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House Joint Resolution No. 688 -- Memorials, Professional Achievement - James Dodson, Tennessee Art Educator of the Year. by *Caldwell.

House Joint Resolution No. 689 -- Memorials, Retirement - Dora K. Knight Shultz. by *Ford S.

House Joint Resolution No. 690 -- Memorials, Personal Occasion - Charlie Green, 90th birthday. by *McDonald.

House Joint Resolution No. 693 -- Memorials, Sports - 1997-1998 McKenzie High School boys' basketball team. by *Maddox, *Phelan.

House Joint Resolution No. 695 -- Memorials, Retirement - Eric O. Bell, Sheriff of Chester County. by *Walley.

Senate Joint Resolution No. 578 -- Memorials, Academic Achievement - Julia Ann Whitaker, Valedictorian, E. B. Wilson Night School. by *Graves.

Senate Joint Resolution No. 580 -- Memorials, Academic Achievement - Brandon Lucy, 1998 Co-Salutatorian, Loretto High School. by *Springer.

Senate Joint Resolution No. 581 -- Memorials, Academic Achievement - Leslie Hill, Salutatorian, E.B. Wilson Night School. by *Graves.

Senate Joint Resolution No. 582 -- Memorials, Academic Achievement - Annie Glover, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 583 -- Memorials, Academic Achievement - Heather Warren, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 584 -- Memorials, Academic Achievement - Heather Walker, 1998 Salutatorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 585 -- Memorials, Academic Achievement - Amanda Ayers, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 586 -- Memorials, Academic Achievement - Laurie Cook, Valedictorian, Springfield High School. by *Graves.

Senate Joint Resolution No. 588 -- Memorials, Academic Achievement - Claire Goodman, Co-valedictorian, Springfield High school. by *Graves.

Senate Joint Resolution No. 589 -- Memorials, Personal Occasion - Janice Marie Mars Green, 50th Birthday. by *Ford J, *Person, *Womack, *Springer, *Harper, *Cooper, *Burks, *Kurita, *Cohen.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2605** -- Election Laws - Authorizes by 2/3 vote of local governing body nonpartisan primary election board of education members. Amends TCA Title 49, Chapter 2, Part 2. by *Burchett. (SB2981 by *Gilbert)

Further consideration of House Bill No. 2605 previously considered on April 8, 1998, and reset to today's Calendar.

Rep. Burchett moved that House Bill No. 2605 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2605 by deleting Section 1 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-201, is amended by adding the following new subsection:

(e)(1) Beginning with the election for members of boards of education to be held in the year 2000, a local governing body in a county which would otherwise conduct a county primary election may elect, by a two-thirds (2/3) vote, to have a non-partisan primary election for members of the school board at that primary election.

(2) If one candidate for a board of education election receives a majority of votes cast in the nonpartisan primary, then such candidate is elected to the position and no other election is necessary. If no candidate for a board of education election receives a majority of votes cast in the nonpartisan primary, then the two (2) candidates receiving the two (2) highest vote totals shall run against one another in the regular election.

On motion, Amendment No. 1 was adopted.

Rep. Bowers moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2605 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Burchett moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2605 by deleting subdivisions (e)(2) and (e)(3) in Section 1 of the printed bill and substituting the following:

(e)(2) The provisions of this subsection shall apply only to counties having a unified school system and a charter form of government.

On motion, Amendment No. 3 was adopted.

Rep. Burchett moved that **House Bill No. 2605**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***Senate Bill No. 2373** -- Safety - Specifies that state fire marshal and certified county building inspectors have sole authority over inspection of construction and renovation of public buildings. Amends TCA Title 68, Chapter 120. by *Graves. (HB2628 by *Stamps)

Further consideration of Senate Bill No. 2373 previously considered on April 8, 1998, at which time the Senate Bill was substituted for the House Bill and reset to today's Calendar.

Rep. Stamps moved that **Senate Bill No. 2373** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2414 -- Industrial Development - Expands scope of powers of industrial development corporations. Amends TCA Title 7, Chapter 53, Part 3. by *Kent. (*SB2401 by *Cohen)

Further consideration of House Bill No. 2414 previously considered on April 8, 1998, and reset to today's Calendar.

On motion, House Bill No. 2414 was made to conform with **Senate Bill No. 2401**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that Senate Bill No. 2401 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2401 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 7-53-305 is amended by adding the following appropriately designated new subsection:

() Before October 1 of each year, the corporation shall submit to the state board of equalization an annual report containing a list of all the real and personal property owned by the corporation and its associated entities and subsidiaries; the value of each listed property as determined by the assessor of property; the date and term of the lease for each listed property; the amount of payments made in lieu of property taxes for each listed property; the date each listed property is scheduled to return to the regular tax rolls; and a calculation of the taxes which would have been due for each listed property if the properties were privately owned or otherwise subject to taxation.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 2.

Rep. Kent moved that **Senate Bill No. 2401**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2035 -- County Officers - Permits increase of county officials' salaries upon resolution of county legislative body of Williamson County. Amends TCA Title 8, Chapter 24. by *Sargent, *Williams (Williamson). (*SB2042 by *Jordan)

Further consideration of House Bill No. 2035 previously considered on April 6, 1998 and April 8, 1998, and reset to today's Calendar.

Rep. Sargent moved that House Bill No(s). 2035 be reset for the Regular Calendar on April 16, 1998, which motion prevailed.

House Bill No. 3399 -- Trenton - Subject to local approval, establishes at large rather than ward elections for board of aldermen, effective with September 1999 election. Amends Chapter 551 of the Acts of 1903; as amended. by *Phelan. (SB3395 by *Carter)

Further consideration of House Bill No. 3399 previously considered on April 6, 1998 and April 8, 1998, and reset to today's Calendar.

On motion, House Bill No. 3399 was made to conform with **Senate Bill No. 3395**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that **Senate Bill No. 3395** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	87
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives present and not voting were: Bowers, Cooper, Sands -- 3.

A motion to reconsider was tabled.

***House Joint Resolution No. 468** -- Memorials, Congress - Requests action to be taken to have language in U.S. Constitution, Article I, Section 2, relating to formula for apportioning seats in house of representatives edited from future printings of constitution. by *Cooper B, *Brooks, *Miller L, *Turner (Shelby), *Pruitt, *Armstrong, *Jones U (Shelby), *Bowers.

Further consideration of House Joint Resolution No. 468 previously considered on April 6, 1998, at which time it was objected to on the Consent Calendar and reset to today's Regular Calendar. The resolution was also considered on April 8, 1998, and reset to today's Calendar.

Rep. Cooper moved adoption of **House Joint Resolution No. 468**, which motion prevailed by the following vote:

Ayes	84
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Churnney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Stamps, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives present and not voting were: Walker (Rhea) -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 342** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by *Haynes. (HB1783 by *Odom)

Further consideration of Senate Bill No. 342 previously considered on May 22, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 1, 2 and 3. Senate Bill No. 342 was also considered on May 29, 1997, February 2, 1998, April 1, 1998, and April 8, 1998, at which time the House adopted Amendment(s) No(s). 6, 7 and 8 and reset the bill to today's Calendar.

Rep. Odom moved that Senate Bill No(s). 342 be reset for the Regular Calendar on April 16, 1998, which motion prevailed.

House Bill No. 3203 -- Criminal Offenses - Redefines "lewdness" to include indecent exposure. Amends TCA Section 29-3-101. by *Dunn, *Burchett, *Bone, *West, *Haley, *Pleasant. (*SB1610 by *Jordan)

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Further consideration of House Bill No. 3203 previously considered on March 23, 1998, March 26, 1998 and March 30, 1998, at which time the House adopted Amendment(s) No(s). 2. The bill was further considered on April 1, 1998, and reset to today's Calendar.

Rep. Dunn moved that House Bill No(s). 3203 be reset for the Regular Calendar on April 16, 1998, which motion prevailed.

House Bill No. 2907 -- Unemployment Compensation - Creates Tennessee job skills program. Amends TCA Title 50, Chapter 7, Part 4. by *Kisber, *Naifeh, *Hargrove, *DeBerry L, *Bowers, *Rinks, *Phelan, *Cole (Dyer), *Williams (Williamson), *McDonald, *Arriola, *Fraleigh, *Hood, *Sands, *Miller L, *Fitzhugh, *West, *Stulce, *Robinson, *Pruitt, *White, *Caldwell, *Langster, *Stamps, *McDaniel. (*SB2460 by *Cooper, *McNally)

Rep. Kisber moved that House Bill No. 2907 be passed on third and final consideration.

Rep. West requested that Consumer & Employee Affairs Amendment No. 1 be moved to the heel of the Amendments.

Rep. Kisber requested that Amendment No. 2 be moved to the heel of the Amendments.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2907 by deleting all the language following the caption and substituting instead the following:

WHEREAS, the Tennessee General Assembly finds that the development and expansion of business, commerce, and industry are essential to the economic growth of this state and to the full employment, welfare and prosperity of its citizens; and

WHEREAS, studies have shown that the availability of an educated, skilled workforce is a critical factor in an employer's decision to relocate or expand its operations; and

WHEREAS, the economy of Tennessee is today being challenged by competition from other states and other countries, and our success in meeting that challenge will depend largely on our ability to maintain and improve a skilled and productive workforce; and

WHEREAS, employers, workers' organized labor, and government need to work together to ensure that the labor force of this state is prepared to succeed in the economic environment of the next century; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-7-403(b)(1)(A), is amended by deleting the last sentence and by substituting instead the following:

The employer premium rate shall be determined by matching the reserve ratio to the appropriate premium rate tables 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 in subsection (g).

SECTION 2. Tennessee Code Annotated, Section 50-7-403(b)(1)(B), is amended in the fourth sentence of the second paragraph by deleting the language "premium tables 1, 2, 3, 4, 5, 6, 7, 8 and 9", and substituting instead the language "premium tables 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10".

SECTION 3. Tennessee Code Annotated, Section 50-7-403(g), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Variations from the standard rate of premiums for employers other than those referred to in Section 50-7-207(b)(3)(A) and (B) shall be determined, beginning January 1, 1999, by the reserve ratio of each employer in accordance with premium tables 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 as set forth below, depending upon the provisions of subsection (k).

Tennessee Code Annotated, Section 50-7-403(g), is further amended by deleting the chart which reads as follows:

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RATE

Reserve Ratio Percent	Premium Table 1 Trust Fund under \$300 million	Premium Table 2 Trust Fund \$300 to \$350 million	Premium Table 3 Trust Fund \$350 to \$400 million	Premium Table 4 Trust Fund \$400 to \$450 million	Premium Table 5 Trust Fund \$450 to \$500 million	Premium Table 6 Trust Fund \$500 to \$550 million	Premium Table 7 Trust Fund \$550 to \$600 million	Premium Table 8 Trust Fund \$600 to \$650 million.	Premium Table 9 Trust Fund \$650 million and over
20.0 and over	0.50%	0.45%	0.40%	0.30%	0.20%	0.15%	0.10%	0.05%	0.00%
18.0 and less than 20.0	0.70%	0.65%	0.55%	0.35%	0.25%	0.20%	0.15%	0.10%	0.05%
16.0 and less than 18.0	0.90%	0.70%	0.65%	0.40%	0.30%	0.25%	0.20%	0.15%	0.10%
14.0 and less than 16.0	1.10%	0.75%	0.70%	0.40%	0.37%	0.32%	0.27%	0.22%	0.17%
12.0 and less than 14.0	1.30%	1.20%	1.00%	0.50%	0.45%	0.40%	0.35%	0.30%	0.25%
11.0 and less than 12.0	1.60%	1.40%	1.20%	0.75%	0.68%	0.60%	0.55%	0.50%	0.45%
9.5 and less than 11.0	2.10%	1.80%	1.50%	1.00%	0.90%	0.80%	0.75%	0.70%	0.65%
8.0 and less than 9.5	2.50%	2.10%	1.80%	1.20%	1.10%	1.00%	0.95%	0.90%	0.85%
7.0 and less than 8.0	2.90%	2.50%	2.10%	1.50%	1.40%	1.30%	1.25%	1.20%	1.15%
6.0 and less than 7.0	3.30%	2.80%	2.40%	1.80%	1.70%	1.60%	1.55%	1.50%	1.45%
5.0 and less than 6.0	3.80%	3.20%	2.70%	2.10%	2.00%	1.90%	1.85%	1.80%	1.75%
2.7 and less than 5.0	4.10%	3.50%	3.00%	2.40%	2.30%	2.20%	2.15%	2.10%	2.05%
0.0 and less than 2.7	4.50%	3.90%	3.30%	3.00%	2.70%	2.60%	2.55%	2.50%	2.45%
Less than 0.0 and more than -2.0	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
-2.0 and more than - 4.0	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%
-4.0 and more than - 6.0	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%
-6.0 and more than - 8.0	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%

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-8.0 and more than – 7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
10									
-10.0 and more than 7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%
-12.0									
-12.0 and more than 8.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%
-14									
-14.0 and more than 8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%
-16.0									
-16.0 and more than 9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%
-18.0									
-18.0 and more than 9.50%	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%
-20.0									
-20.0 and under	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%

and substituting instead the following new chart:

PREMIUM RATE CHART

	Premium Table 1	Premium Table 2	Premium Table 3	Premium Table 4	Premium Table 5	Premium Table 6	Premium Table 7	Premium Table 8	Premium Table 9	Premium Table 10
Reserve Ratio	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund
Percent	under \$300 million	Over \$300 to \$350 million	over \$350 to \$400 million	over \$400 to \$450 million	over \$450 to \$500 million	over \$500 to \$550 million	over \$550 to \$600 million	over \$600 to \$650 million.	over \$650 to \$750 million	\$750 million and over
20.0 and over	0.50%	0.45%	0.40%	0.30%	0.20%	0.15%	0.10%	0.05%	0.03%	0.00%
18.0 and less than 20.0	0.70%	0.65%	0.55%	0.35%	0.25%	0.20%	0.15%	0.10%	0.05%	0.05%
16.0 and less than 18.0	0.90%	0.70%	0.65%	0.40%	0.30%	0.25%	0.20%	0.15%	0.10%	0.10%
14.0 and less than 16.0	1.10%	0.75%	0.70%	0.40%	0.37%	0.32%	0.27%	0.22%	0.17%	0.17%
12.0 and less than 14.0	1.30%	1.20%	1.00%	0.50%	0.45%	0.40%	0.35%	0.30%	0.25%	0.25%
11.0 and less than 12.0	1.60%	1.40%	1.20%	0.75%	0.68%	0.60%	0.55%	0.50%	0.45%	0.30%

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9.5 and less than 11.0	2.10%	1.80%	1.50%	1.00%	0.90%	0.80%	0.75%	0.70%	0.65%	0.50%
8.0 and less than 9.5	2.50%	2.10%	1.80%	1.20%	1.10%	1.00%	0.95%	0.90%	0.85%	0.70%
7.0 and less than 8.0	2.90%	2.50%	2.10%	1.50%	1.40%	1.30%	1.25%	1.20%	1.15%	1.00%
6.0 and less than 7.0	3.30%	2.80%	2.40%	1.80%	1.70%	1.60%	1.55%	1.50%	1.45%	1.30%
5.0 and less than 6.0	3.80%	3.20%	2.70%	2.10%	2.00%	1.90%	1.85%	1.80%	1.75%	1.60%
2.7 and less than 5.0	4.10%	3.50%	3.00%	2.40%	2.30%	2.20%	2.15%	2.10%	2.05%	1.90%
0.0 and less than 2.7	4.50%	3.90%	3.30%	3.00%	2.70%	2.60%	2.55%	2.50%	2.45%	2.30%
Less than 0.0 and more than -2.0	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
-2.0 and more than -4.0	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%
-4.0 and more than -6.0	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%
-6.0 and more than -8.0	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%
-8.0 and more than -10	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
-10.0 and more than -12.0	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%
-12.0 and more than -14	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%	8.00%
-14.0 and more than -16.0	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%	8.50%
-16.0 and more than -18.0	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%
-18.0 and more than -20.0	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%	9.50%
-20.0 and under	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%

SECTION 4. Tennessee Code Annotated, Title 50, Chapter 7, Part 4, is amended by adding the following new section:

Section ____.

(a)(1) The Tennessee job skills program is created in the department of economic and community development as a workforce development incentive program to enhance employment opportunities and to meet the needs of existing and new industries in this state.

(2) The program shall give priority to the creation and retention of high wage jobs and focus on employers in industries that promote high-skill, high-wage jobs in high-technology areas, emerging occupations or skilled manufacturing jobs.

(3) At least seventy percent (70%) of the Tennessee job skills funds, as provided in subsection (c), which are spent on Tennessee job skills grants shall be used for assisting existing employers.

(b) (1) Effective for the quarter beginning January 1, 1999, each employer, who has an unemployment insurance premium rate determined by matching such employer's own reserve ratio to the appropriate premium rate in premium tables 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 as set forth in Section 50-7-403(g) and who has a reserve ratio of at least zero percent (0.0%) but less than twelve percent (12%), shall be assessed a Tennessee job skills fee. The Tennessee job skills fee shall be 0.15% of the employer's wages, as defined in Section 50-7-213, and shall apply only when premium table 10, as defined in Section 50-7-403(g), is in effect; however, in the event that Section 50-7-213 is amended to increase the amount of wages on which employers pay their unemployment insurance premiums to an amount greater than seven thousand dollars (\$7,000) paid to each employee during the calendar year, the Tennessee jobs skills fee of 0.15% will be reduced proportionately so that the amount of revenue generated by the Tennessee jobs skills fee will be no greater than the revenue which would be generated if employers subject to the Tennessee job skills fee were paying at a rate of 0.15% on the first seven thousand dollars (\$7,000) paid to each employee during a calendar year. The Tennessee job skills fee shall be transferred into the Tennessee job skills fund created by this section. The Tennessee job skills fee shall be due at the same time, collected in the same manner, and subject to the same interest as an unemployment insurance premium assessed under Section 50-7-403, and all the power and authority granted to the commissioner of employment security under Section 50-7-404 for the collection of the unemployment insurance premiums and interest shall be applicable to the collection of Tennessee job skills fees and interest. The Tennessee job skills fee, as provided herein, shall sunset on December 31, 2002, unless reauthorized by the general assembly.

(2) Expenses for the administration of the Tennessee job skills program incurred by the department of employment security shall be paid from the Tennessee job skills fees collected under this section, it being the intent of the general assembly that no federal grant funds of the department of employment security shall be used to audit the Tennessee job skills fund or to administer the provisions of this section.

(c)(1) The Tennessee job skills fund is established as a separate account in the general fund.

(2) The Tennessee job skills fund is composed of:

(A) money transferred into the Tennessee job skills fund pursuant to the provisions of this act;

(B) gifts, grants, and other donations received by the department of economic and community development for the Tennessee job skills fund; and

(C) funds appropriated by the general assembly for the Tennessee job skills fund.

(3) Money in the Tennessee job skills fund may be used by the department of economic and community development for program administration, marketing expenses, and program evaluation; however, such expenses shall not exceed five percent (5%) of the total amount appropriated for the program in any fiscal year.

(4)(A) Amounts remaining in the Tennessee job skills fund at the end of each fiscal year shall not revert to the general fund.

(B) Moneys in the Tennessee job skills fund shall be invested by the state treasurer pursuant to Tennessee Code Annotated, Title 9, Chapter 4, Part 6, for the sole benefit of the Tennessee job skills fund and interest accruing on investments and deposits of such fund shall be returned to such fund and remain part of the Tennessee job skills fund.

(5) It is the intent of the legislature that, to the extent practicable, money from the Tennessee jobs skills program shall be spent in all areas of the state.

(d)(1) The following employers may apply for a Tennessee job skills grant from the Tennessee job skills fund:

(A) One (1) or more employers to secure training for demand occupations, emerging occupations, or manufacturing occupations.

(B) One (1) or more employers acting in partnership with an employer organization, labor organization, or community-based organization to secure training for demand occupations, emerging occupations, or manufacturing occupations.

(C) One (1) or more employers acting in partnership with a consortium composed of more than one (1) provider to secure training for demand occupations, emerging occupations, or manufacturing occupations.

(2) All Tennessee job skills grant applications must contain the following:

(A) The number and kinds of jobs available;

(B) The skills and competencies required for the identified jobs;

(C) The starting wages to be paid to trainees on successful completion of the project;

(D) The goals, objectives, and outcome measurements for the project;

(E) The proposed curriculum for the project;

(F) The projected cost per person enrolled, trained, hired and retained in employment; and

(G) Any other information deemed necessary by the department of economic and community development.

(3) Tennessee job skills grants from the Tennessee job skills fund shall be awarded only to employers who certify that:

(A) A job or job opening exists or will exist at the end of the project for which the Tennessee job skills grant is sought.

(B) Job openings will be filled by participants in the project.

(C) The starting wage for a new job created through the project will be equal to or greater than the prevailing starting wage for that occupation in the local labor market area.

(e) Each employer who receives a Tennessee job skills grant pursuant to the provisions of this section shall file a final report with the department of economic and community development at the conclusion of the Tennessee job skills grant period which contains the following information:

(1) The number of participants in the project who are employed at the conclusion of the project.

(2) The number of participants in the project who are not employed at the end of the project.

(3) The starting wage of each participant employed.

(4) Any other information required by the department of economic and community development.

(f) The department of economic and community development shall adopt rules and regulations in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5, to implement the provisions of this section. Prior to the formal submission of such rules and regulations in accordance with the provisions of such law, the department of economic and community development shall submit draft rules and regulations to the joint select committee on business taxes for review and comment. Such committee shall comment on such rules and regulations within sixty (60) days.

(g) The department of economic and community development shall report annually to the joint select committee on business taxes on the Tennessee jobs skills program. On February 1, 2002, and every year thereafter, the comptroller of the treasury shall report to the joint select committee on business taxes on the utilization of such funds.

(h) As used in this section, unless the context otherwise requires:

(1) "Demand occupation" means an occupation in which, as a result of business development, there are or will be positive job growth to job replacement ratios within the next twelve (12) to twenty-four (24) months, according to the best available sources of state and local labor market information.

(2) "Emerging occupation" means an occupation that arises from forces related to technological changes in the workplace and the work of which cannot be performed by workers from other occupations without customized education or training.

(3) "Existing employer," when used in reference to an employer's eligibility for a Tennessee job skills grant, as described in this section, means an employer that has been liable to pay unemployment insurance premiums under Tennessee Code Annotated, Title 50, Chapter 7, for more than one (1) year.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion, Rep. West withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. Kisber moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Kisber moved that **House Bill No. 2907**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3012 -- Motor Vehicles - Revises from one day to seven days time within which local law enforcement agency should forward written report of motor vehicle accident to department of safety; requires department to monitor timeliness of forwarding of such reports. Amends TCA Section 55-10-108. by *Westmoreland. (*SB2607 by *Herron)

Further consideration of House Bill No. 3012 previously considered on March 30, 1998, and April 6, 1998, and reset to today's Calendar.

Rep. Westmoreland moved that House Bill No. 3012 be passed on third and final consideration.

Rep. Westmoreland moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3012 by deleting from the amendatory language of SECTION 1 the language "seven (7) days" and substituting instead the language "seven (7) calendar days".

FURTHER AMEND by deleting from the second sentence of subsection () of the amendatory language of SECTION 2 the language "seven (7) days" and substituting instead the language "seven (7) calendar days".

On motion, Amendment No. 1 was adopted.

Rep. Westmoreland moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Westmoreland moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 3012 By adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 55-10-108, is amended by adding a new subsection:

(i) Any written report of a motor vehicle accident investigated by the department or prepared by pursuant to subsection (b) of this section shall be open to public inspection as a public record under the provisions of the Tennessee public records law, Tennessee Code Annotated, Title 10, Chapter 7, except that information on automobile liability insurance in such reports shall be excluded from public inspection. It is an offense punishable as a Class A misdemeanor for any person to knowingly use such written report or information contained in the report for solicitation that is prohibited by a standard of conduct or practice of any profession licensed by the state.

On motion, Amendment No. 3 was adopted.

Rep. Westmoreland moved that **House Bill No. 3012**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2234 -- Taxes, Real Property - Specifies public records to be searched by delinquent tax attorney for giving notice to persons having interest in property to be sold are those records in offices of assessor of property, trustee and register of deeds. Amends TCA Title 67. by *Rhinehart. (*SB2192 by *Rochelle)

On motion, House Bill No. 2234 was made to conform with **Senate Bill No. 2192**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 2192 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2192 by inserting in the amendatory language of Section 1, between the word "trustee" and the words "and register of deeds" the following words and punctuation:

, local office where deeds are recorded,

Rep. Rhinehart moved that Senate Bill No(s). 2192 be reset for the Regular Calendar on April 15, 1998, which motion prevailed.

***House Bill No. 3135** -- Managed Care Organizations - Requires non-TennCare health maintenance organizations to provide certain continuity of care and independent review entity for certain decisions by HMO. Amends TCA Title 56. by *Rhinehart, *Walker (Rhea). (SB3279 by *Rochelle, *Elsea)

Further consideration of House Bill No. 3135 previously considered on March 9, 1998 and March 11, 1998, at which time it was re-referred to the House Finance, Ways & Means Committee, and reset to today's Calendar.

Rep. Rhinehart moved that House Bill No(s). 3135 be reset for the Regular Calendar on April 16, 1998, which motion prevailed.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 2716 -- Medicine, Practice of - Defines that use of out-of-state diagnostic medical modality to diagnose and treat Tennessee patients is practice of medicine. Amends TCA Title 63. by *Odom. (*SB2455 by *Cooper)

Rep. Odom moved that House Bill No. 2716 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2716 by deleting the amendatory language of Section 1 of the printed bill and by substituting instead the following:

Section 63-6-____. (a) The transfer of patient medical information to a person in another state who is not licensed to practice medicine or osteopathy in the state of Tennessee, using any electronic, telephonic or fiber optic means or by any other method, constitutes the practice of medicine or osteopathy if such information is employed to diagnose and/or treat persons physically located within the state of Tennessee.

(b) Notwithstanding the provisions of subsection (a) of this section to the contrary, the transfer of such information shall not constitute the practice of medicine if:

such information is to be used by a medical doctor or doctor of osteopathy licensed in Tennessee; or

such information is to be used for a second opinion requested by a Tennessee licensed medical doctor or doctor of osteopathy, provided no charges are assessed for such second opinion; or

such information is to be used by an out-of-state physician for treatment of a person who is seeking medical treatment out of Tennessee; or

such information is used to determine if such patient is covered by insurance; or

such information is to be used by physicians in another state to provide occasional academic consultations to a medical school located in Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 2716**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 127** -- Environmental Preservation - Increases from 30 to 45 days time period in which hearing on final order may be requested Amends TCA Title 68 and Title 69. by *Odom. (SB156 by *McNally)

Rep. Odom moved that House Bill No. 127 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 127 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-211-105, is amended by adding the following new subsection:

() If an applicant applies for approval of the department pursuant to the provisions of this section for the new construction of a solid waste processing facility or disposal facility or site, then such applicant shall notify by certified mail, return receipt requested, the property owners adjacent to the property on which such activity will occur. The applicant shall include any returned receipts received as part of the approval sought and shall certify that all required notification has been made. Failure to make such notification or false certification will be grounds for disapproval.

Section 2. Tennessee Code Annotated, Section 68-211-106, is amended by adding the following new subsection:

() If an applicant applies for a registration pursuant to the provisions of this section for a new solid waste processing facility or disposal facility or site, then such applicant shall notify by certified mail, return receipt requested, the property owners adjacent to the property on which such activity will occur. The applicant shall include any returned receipts received as part of the registration or amendment sought and shall certify that all required notification has been made. Failure to make such notification or false certification will be grounds for denial or revocation. The provisions of this subsection shall not apply to permits-by-rule.

Section 3. Tennessee Code Annotated, Section 68-212-108, is amended by adding the following new subsection:

() If an applicant applies for a permit pursuant to the provisions of this section for the construction, of a hazardous waste treatment, storage or disposal facility, then such applicant shall notify by certified mail, return receipt requested, the property owners adjacent to the property on which such activity will occur. The applicant shall include any returned receipts received as part of the permit sought and shall certify that all required notification has been made. Failure to make such notification or false certification will be grounds for denial or revocation. The provisions of this subsection shall not apply to permits-by-rule.

Section 4. Tennessee Code Annotated, 69-3-108, is amended by adding the following new subsection:

() If an applicant applies for a permit pursuant to the provisions of this section for the operation of a sewage system, then such applicant shall notify by certified mail, return receipt requested, the property owners adjacent to the property on which the permitted activity will occur. The applicant shall include any returned receipts received as part of the application and shall certify that all required notification has been made. Failure to make such notification or false certification will be grounds for permit denial or revocation. The provisions of this subsection shall not apply to general permits.

Section 5. The provisions of this act shall take effect on July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 127**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 86** -- General Assembly - Defines cost of funding first year's cost of legislation under constitution as amount designated in fiscal note. Amends TCA Title 3. by *Cross, *Odom. (SB551 by *Cooper, *Haun)

Rep. Cross moved that House Bill No. 86 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 86 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-15-803, is amended by deleting the language "four (4) members" wherever it may appear and substituting instead the language "five (5) members".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Cross moved that **House Bill No. 86**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan,

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Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2405 -- Physicians and Surgeons - Requires doctors and other similar health care providers to furnish copy of patient's medical records within two business days of patient paying reproduction costs rather than furnishing the records without delay. Amends TCA Title 56; Title 63 and Title 68. by *Buck. (*SB2439 by *Crutchfield)

Rep. Buck moved that House Bill No. 2405 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2405 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-304, is amended by deleting from the final sentence of subsection (a)(2)(A)(iii) the date "July 1, 1998" and substituting instead the date "July 1, 1999".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 2405**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eccles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

THURSDAY, APRIL 9, 1998 -- EIGHTY-THIRD LEGISLATIVE DAY

House Bill No. 2772 -- Bail, Bail Bonds - Makes bounty hunting Class E felony. Amends TCA Title 40, Chapter 11. by *Buck. (*SB2802 by *Rochelle)

Rep. Buck moved that House Bill No(s). 2772 be reset for the Regular Calendar on April 15, 1998, which motion prevailed.

***House Joint Resolution No. 625** -- Memorials, Congress - Urges use of transportation funds solely for transportation projects. by *Buck, *White, *Haley, *Beavers, *Bittle, *Ridgeway, *Head, *Roach, *Hood, *Pinion, *Maddox, *Cross, *Kisber, *Hassell, *Tidwell, *Sharp, *Sargent, *Fitzhugh, *Davis R, *Huskey, *Westmoreland, *Davidson, *Burchett.

Rep. Buck moved that House Joint Resolution No. 625 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 625 By deleting the following language:

WHEREAS, Congressman Bob Clement has done an outstanding job of securing transportation funds for the state of Tennessee, including his efforts to secure funding for passenger railways; and

WHEREAS, although this body deeply appreciates the efforts of Congressman Bob Clement, a member with deep-rooted ties to Tennessee and a tireless proponent for this great state, this body respectfully disagrees with any attempt to allocate federal funds derived from the use of highways for non-transportation purposes; and

On motion, Amendment No. 1 was adopted.

Rep. Ridgeway moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 625 By adding the following as a new resolving clause to precede the final resolving clause:

BE IT FURTHER RESOLVED, That this body hereby strongly urges and encourages the United States Congress to allocate federal funds derived from the use of highways for the planning, engineering, construction and maintenance of super two (2) lane highways and four (4) lane highways in counties in Tennessee identified by the Tennessee department of employment security as having the greatest likelihood of continued high unemployment.

On motion, Amendment No. 2 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Buck moved that **House Joint Resolution No. 625**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	4

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Armstrong, Brooks, Caldwell, Chumney -- 4.

A motion to reconsider was tabled.

House Resolution No. 177 -- Memorials, Congress - Urges transportation funds not be used for non-transportation projects. by *Buck, *Robinson, *White, *Haley, *Beavers, *Bittle, *Ridgeway, *Head, *Roach, *Maddox, *Kisber, *Hood, *Hassell, *Pinion, *Hargrove, *Cross, *Tidwell, *Sharp, *Sargent, *Fitzhugh, *Davis R, *Hicks, *Westmoreland, *Davidson, *Burchett.

Rep. Buck moved that House Resolution No. 177 be adopted.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 177 By deleting the following language:

WHEREAS, Congressman Bob Clement has done an outstanding job of securing transportation funds for the state of Tennessee, including his efforts to secure funding for passenger railways; and

WHEREAS, although this body deeply appreciates the efforts of Congressman Bob Clement, a member with deep-rooted ties to Tennessee and a tireless proponent for this great state, this body respectfully disagrees with any attempt to allocate federal funds derived from the use of highways for non-transportation purposes; and

On motion, Amendment No. 1 was adopted.

Rep. Ridgeway moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Resolution No. 177 By adding the following as a new resolving clause to precede the final resolving clause:

BE IT FURTHER RESOLVED, That this body hereby strongly urges and encourages the United States Congress to allocate federal funds derived from the use of highways for the planning, engineering, construction and maintenance of super two (2) lane highways and four (4) lane highways in counties in Tennessee identified by the Tennessee department of employment security as having the greatest likelihood of continued high unemployment.

On motion, Amendment No. 2 was adopted.

Rep. Sharp moved the previous question, which motion prevailed.

Rep. Buck moved that **House Resolution No. 177**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	4

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Armstrong, Brooks, Caldwell, Chumney -- 4.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 2803 -- Workers' Compensation - Revises workers' compensation statutes. Amends TCA Title 4; Title 38; Title 39; Title 50 and Title 56. by *Kisber. (*SB2973 by *Gilbert)

Rep. Kisber moved that House Bill No. 2803 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2803 In Section 1 by deleting the language "voluntary".

AND FURTHER AMEND by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Title 50, Chapter 6, Part 2, is amended by adding the following as a new section to be appropriately designated:

Section ____.

(a) The department of labor shall develop a statistical data form for collecting data relevant to assessing the workers' compensation system. In developing or altering the form, the department shall seek written comment from the advisory council on workers' compensation and the administrative office of the courts. The commissioner shall submit the proposed form to the special joint committee on workers' compensation, together with any written comments of the advisory council on workers' compensation and the administrative office of the courts, prior to submission of proposed rule to the attorney general and reporter. The initial rule shall be submitted to the committee prior to October 1, 1998. The commissioner of labor shall promulgate the form by rule pursuant to Tennessee Code Annotated, Title 4, Chapter 5, on or before October 31, 1998.

(b) The completed form shall be required to be filed in every workers' compensation case at the conclusion of the case and shall be filed with the clerk of the court (in which the case is pending) contemporaneously with the final order. An order of a court is not final until the statistical data form required by this section is fully completed and filed with the clerk of the court.

(c)(1) The clerk of the court shall forward to the director of the workers' compensation division of the department of labor on or before the tenth day of each calendar month all workers' compensation statistical data forms filed with the clerk during the preceding calendar month.

(2) In addition to the fees provided in title 8, chapter 21, part 4, every clerk of the court shall be entitled to a fee of one dollar (\$1.00) for each statistical form filed with the clerk.

(3) The fee associated with the filing of the statistical data form shall be a part of the court costs accruing to the clerk and shall be collected in the same manner and in addition to the other costs in the case.

(d) In cases involving a workers' compensation settlement which is submitted to the department of labor for approval, the statistical data form required by this section shall also be completed and submitted to the department of labor at the time of the submission of the settlement for approval. A settlement approved by the department of labor shall not become final until the statistical data form required by this section is fully completed and received by the department of labor.

(e) It shall be the responsibility of the employer or his agent to complete and file the form required by this section, contemporaneously with the filing of the final order or settlement. The employee and any agent of the employee are required to cooperate with the employer in completing this form.

AND FURTHER AMEND by adding the following language in Section 4 at the end of the amendatory language:

The commissioner's enforcement authority under this subsection applies only to the commissioner's efforts to obtain relevant data as provided in subsections (a) and (b) of this section.

AND FURTHER AMEND in Section 5 by adding the following language at the end of the amendatory language: "The commissioner of labor may add additional drugs by rule in accordance with § 50-9-111;"

AND FURTHER AMEND in Section 6 by deleting the language word "public" and by substituting instead the language "a public".

AND FURTHER AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Section 50-6-121(c), is amended in the first sentence by deleting the language "January 1" and by substituting instead the language "May 1".

Section ____ Tennessee Code Annotated, Section 50-6-225(e)(7), is amended by deleting the language "September 1, 1998" and by substituting instead the language "September 1, 2002".

Section ____ Tennessee Code Annotated, Section 50-6-402(b), is amended by deleting the fourth sentence of the subsection in its entirety and by substituting instead the following:

The commissioner shall approve, disapprove or modify the filing within ninety (90) days of receiving the filing. If the commissioner modifies the filing, such modification shall be within the range established by the recommendation of the rate service organization in its filing and the recommendation of the advisory council on workers' compensation. In instances when the commissioner modifies the filing, the rate service organization shall develop a plan that reflects the commissioner's modification, unless the organization appeals the modification pursuant to Section 56-5-308.

Section _____. Tennessee Code Annotated, 56-5-308, is amended by deleting subsections (a) and (b) and substituting instead the following as new subsections (a) and (b):

(a) Basis for Disapproval. The commissioner shall disapprove a rate if:

(1) The commissioner finds that the rate is excessive, inadequate or unfairly discriminatory; or

(2) In the case of an advisory prospective loss costs filing, the commissioner finds such filing does not reasonably reflect projected losses, including loss adjustment expenses. For an advisory prospective loss costs filing the commissioner may also modify such filing as permitted by Section 50-6-402(b).

(b) (1) Disapproval Procedure. If the commissioner disapproves or modifies a filing, the commissioner shall issue a written order specifying in what respect that the rate proposed in such filing is excessive, inadequate or unfairly discriminatory or otherwise fails to meet the requirements of this part. The person making such filing shall be given a hearing upon written request made within thirty (30) days after the disapproval or modification order.

(2) If the commissioner disapproves rates already in effect, the commissioner shall issue such an order only after a hearing held on not less than twenty (20) days' written notice to the insurer or rate service organization which made the filing. The order shall be issued within fifteen (15) days after the close of the hearing and shall specify in what respects the rates fail to meet the requirements of this part. The order shall also state when, within a reasonable period of time, but not less than forty-five (45) days, the further use of such rate in contracts of insurance made thereafter shall be prohibited. The order may include a provision for premium adjustment for policies issued, renewed or nonrenewed after the effective date of such order. In disputes concerning a multiplier, the insurer shall have the burden of persuasion that the commissioner's disapproval, modification, or failure to approve was inappropriate.

Section _____. Tennessee Code Annotated, Section 56-5-306(c), is amended by deleting the language "of this section," in the third sentence thereof and by substituting instead the language "of §56-5-322,".

Section _____. Tennessee Code Annotated, Title 50, Chapter 9, Part 1, is amended by adding the following language as a new, appropriately designated section:

§50-9-1____. A temporary employment agency shall not be required by rule, regulation or policy of the department of labor to implement a drug-free workplace pursuant to this chapter.

Rep. West moved that Consumer & Employee Affairs Amendment No. 1 to Amendment No. 1 be adopted

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 2803 by deleting the following section added by House Consumer and Employee Affairs Committee Amendment Number 1:

Section _____. Tennessee Code Annotated, Section 50-6-225(e)(7), is amended by deleting the language "September 1, 1998" and by substituting instead the language "September 1, 2002".

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section _____. Tennessee Code Annotated, Section 50-6-225(e)(7), is amended by deleting the language "September 1, 1998" and by substituting instead the language "September 1, 2006".

Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2803 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 50-6-203(a), is amended by adding the following language immediately after the last sentence of the subsection:

Where a workers' compensation suit is brought by the employer or his agent and the employer or agent files notice of non-suit of the action at any time on or after the date of expiration of the statute of limitations, either party shall have ninety (90) days from the date of the order of dismissal to institute an action for recovery of benefits under this chapter.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 56-5-320, is amended by adding the following language as a new appropriately designated subsection:

() For workers' compensation insurance provided in the voluntary market, no schedule rating plan shall limit its application to any risk based on premium size or eligibility for experience rating; provided that the application for such plan to any individual risk shall not result in the premium for such risk being less than the classification minimum premium established for workers' compensation insurance.

On motion, Amendment No. 2 was adopted.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2803 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. (a) Tennessee Code Annotated, Section 50-6-121(a), is amended in the first sentence by deleting the language "selected by the six (6) appointed members" and by substituting instead the language "who shall be the state treasurer or the treasurer's designee".

(b) Tennessee Code Annotated, Section 50-6-121(a), is further amended by deleting the language:

"The chair shall have an academic background in research, statistical analysis, insurance or related fields. The chair shall vote only in event of a tie."

And by substituting instead the language:

"The chair shall preside at meetings of the council and, under the general direction of the council, shall supervise the work of the staff of the council. The chair may vote only on matters related to the administration of the council or the council's research. The chair is not permitted to vote on any matter which constitutes the making of a policy recommendation to the governor or to the general assembly."

On motion, Amendment No. 3 was adopted.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 2803 by adding the following as a new, appropriately designated section of House Consumer and Employee Affairs Committee Amendment Number 1, as amended:

SECTION ____ Tennessee Code Annotated, Section 50-6-204(a)(6)(A), is amended by deleting the words "outside the worker's community" and by substituting instead the following:

outside a radius of fifteen (15) miles from such insured worker's residence or workplace

AND FURTHER AMEND House Consumer and Employee Affairs Committee Amendment Number 1, as amended, by adding the following as a new section to be appropriately designated:

SECTION ____ Tennessee Code Annotated, Section 50-6-204(a)(6)(A), is further amended by adding the following at the end of the subdivision:

The definition of "community" as contemplated by this subsection shall apply only for the purposes of this section.

On motion, Amendment No. 4 was adopted.

Rep. Kisber moved that **House Bill No. 2803**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3255 -- Municipal Government - Allows city to delegate power to health, educational and housing facility corporation to contract with lessees for payment in lieu of taxes. Amends TCA Section 48-101-312. by *Jones U (Shelby), *Cooper B, *Brown, *Armstrong, *Towns, *Brooks. (*SB3086 by *Leatherwood)

On motion, House Bill No. 3255 was made to conform with **Senate Bill No. 3086**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that **Senate Bill No. 3086** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 2821 -- Taxes, Franchise - Extends deduction against the franchise tax for closely affiliated companies having inter-company indebtedness. Amends TCA Section 67-4-905. by *Hood, *Eckles. (*SB2408 by *Womack)

On motion, House Bill No. 2821 was made to conform with **Senate Bill No. 2408**; the Senate Bill was substituted for the House Bill.

Rep. Hood moved that Senate Bill No. 2408 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Hood moved that **Senate Bill No. 2408** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 3299 -- Professions and Occupations - Excludes Christian Science practitioners from TCA Title 63, Chapter 22, regarding professional counselors, marital and family therapists and clinical pastoral therapists. Amends TCA Section 63-22-204. by *Mumpower. (*SB3255 by *Ramsey)

Rep. Mumpower moved that House Bill No. 3299 be passed on third and final consideration.

Rep. Mumpower moved that House Bill No(s). 3299 be reset for the Regular Calendar on April 15, 1998, which motion prevailed.

House Bill No. 3269 -- Nurses, Nursing - Expands powers and duties of board concerning investigative and disciplinary process and to issue advisory private letter rulings for certain purposes. Amends TCA Section 63-7-115 and Section 63-7-207. by *Odom, *Kernell. (*SB3035 by *Springer)

Rep. Odom moved that House Bill No. 3269 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3269 By deleting subsection (d) of Section 1 of the printed bill in its entirety and by relettering the subsequent subsections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 3269**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 67** -- Parks, Natural Areas Preservation - Extends from two to three years time in which plan for development and protection of natural areas must be completed Amends TCA Title 11. by *Odom, *Kisber. (SB142 by *Crutchfield)

Rep. Odom moved that House Bill No. 67 be passed on third and final consideration.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 67 By deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 11-14-401, is amended by adding the following new subsection:

() Notwithstanding the provisions of this part, Section 67-4-409 or any other provision of law to the contrary, the director of the wildlife resources agency is authorized to expend a sum not to exceed two hundred seventeen thousand dollars (\$217,000) from the 1986 wetland acquisition fund for the sole purpose of completing the study of the stabilization, maintenance, renovation and revitalization of Reelfoot Lake to preserve its use as a recreational and natural resource in this state.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 67**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 135** -- Health - Provides for advisory committee to review complaints against health related boards Amends TCA Title 63. by *Odom. (SB131 by *Crutchfield)

Rep. Odom moved that House Bill No. 135 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health & Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 135 by deleting all sections, in their entirety, following the enacting clause and substituting therefor the following:

SECTION 1. Tennessee Code Annotated, Section 63-4-103, is amended by adding the following language as a new item (4):

(4) Issue advisory private letter rulings to any affected licensee who makes such a request regarding any matters within the board's primary jurisdiction. Such private letter ruling shall only affect the licensee making such inquiry, and shall have no precedential value for any other inquiry or future contested case to come before the board. Any dispute regarding a private letter ruling may, if the board chooses to do so, be resolved pursuant to the declaratory order provisions of §4-5-223.

SECTION 2. Tennessee Code Annotated, Section 63-4-114, is amended by deleting subdivision (5) in its entirety and by substituting instead the following language:

(5) Solicitation, in person or by live telephone contact, by a licensee, or by an agent, servant, employee, or independent contractor of a licensee, of a patient with whom a licensee has no family or prior professional relationship; however, this shall not prohibit solicitation by targeted direct mail advertising or other forms of written, radio, or television advertising provided the advertising does not involve coercion, duress, or harassment and is not false, deceptive or misleading;

SECTION 3. Tennessee Code Annotated, Section 63-4-115, is amended by adding the following language as new subsections:

(d) The board may utilize one (1) or more screening panels in its investigative and disciplinary process to assure that complaints filed and investigations conducted are meritorious, and to act as a mechanism for diversion, to professional peer review organizations and/or impaired professionals, associations or foundations, those cases which the board, through established guidelines, deems appropriate; upon diversion, such entities shall retain the same immunity as provided by law for the board.

(e) The screening panels shall consist of as many members as the board directs, but shall include at least one (1) but no more than three (3) licensed chiropractors, who may be members of the board or may serve either voluntarily or through employment by or under contract with the board;

(f) The activities of the screening panels, and any mediation or arbitration sessions shall not be construed as meetings of an agency for purposes of the open meetings act and shall remain confidential. The members of the screening panels, mediators and arbitrators have a deliberative privilege and the same immunity as provided by law for the board, and are not subject to deposition or subpoena to testify regarding any matter or issued raised in any contested case, criminal prosecution or civil lawsuit which may result from or be incident to cases processed before them.

(g) Notwithstanding any provision of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to the contrary, hearing officers are authorized to, and may hear board mediation, arbitration or disciplinary contested cases, but may not issue final orders in contested case matters. Notwithstanding any of the provisions of §§ 4-5-314 and 4-5-315, which may be or are inconsistent, such hearing officers may only issue findings of fact and conclusions of law which shall be referred directly to the board or a duly constituted panel thereof for final action. The board or duly constituted panel, after hearing testimony or arguments from both parties regarding the appropriate disciplinary action and, if allowed by the board, arguments on any controversy raised by the hearing officer's or designee's order, shall issue a final order to include the imposition of what, if any, disciplinary action is deemed appropriate. Only the board or a duly constituted panel thereof shall have the authority to issue final orders which dispose of a pending contested case regardless of whether the issues resulting in the dispositive action are procedural, substantive, factual or legal. If a hearing officer is not available when a contested case, or any motion filed therein requiring action, is ready and scheduled to be heard or fails to timely prepare findings and conclusions pursuant to board established guidelines, the board or a duly constituted panel thereof may rule on the motions and/or hear the contested case or utilize the record compiled before the hearing officers and prepare its own findings of fact,

conclusions of law and then issue a final order. With regard to findings or conclusions issued by the hearing officer, or any mediator or arbitrator, the board or any duly constituted panel thereof which reviews the case may do any of the following:

- (1) Adopt the hearing officer's, mediator's, or arbitrator's findings of fact and conclusions of law, in whole or in part;
 - (2) Make its own findings of fact and conclusions of law, based solely on the record and the expertise of the members of the board or panel, in addition to or in substitution of those made by the hearing officer, mediator or arbitrator;
 - (3) Remand the matter back to the hearing officer, mediator or arbitrator for action consistent with the board or panel findings and conclusions in the matter; or
 - (4) Reverse the hearing officer's, mediator's, or arbitrator's findings and/or dismiss the matter entirely.
- (h) The board retains jurisdiction to modify or refuse to modify, upon request of any party, any of its orders issued pursuant to this section in compliance with procedures established by the board. The board, pursuant to duly promulgated rules, may, whenever a final order is issued after a disciplinary contested case hearing which contains findings that a licensee or other person has violated any provision of this chapter, assess the costs directly related to the prosecution of the case against the licensee or person.
- (i) Any elected officer of the board, or any duly appointed or elected chair or any panel of the board, or any screening panel, and any hearing officer, arbitrator or mediator has the authority to administer oaths to witnesses, and upon probable cause being established, issue subpoenas for the attendance of witnesses and the production of documents and records.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 135**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 81** -- Ethics - Increases from five to ten days time period for registration as lobbyist. Amends TCA Title 2, Chapter 10; Title 3, Chapter 6 and Title 8, Chapter 50, Part 5. by *Odom. (SB145 by *Crutchfield)

Rep. Odom moved that House Bill No. 81 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 81 by deleting in its entirety, all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 8-50-501, is amended by adding the following language as a new, appropriately designated subsection:

() The computation of time within which to do any act required by this part shall be in accordance with §1-3-102.

SECTION 2. Tennessee Code Annotated, Section 8-50-504, is amended by adding the following language at the end of the section:

If January 31st falls on a Saturday, a Sunday, or a legal holiday, the provisions of §1-3-102 shall apply.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 81**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2082** -- Education - Requires penalties for violating zero tolerance policy to be imposed on case-by-case basis, taking into consideration specific infraction and intent of student in violating policy. Amends TCA Section 49-6-3401; Section 49-6-4018 and Section 49-6-4216. by *Pruitt. (SB2324 by *Dixon, *Harper)

On motion, House Bill No. 2082 was made to conform with **Senate Bill No. 2324**; the Senate Bill was substituted for the House Bill.

Rep. Pruitt moved that Senate Bill No. 2324 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Ritchie moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Ritchie moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Pruitt requested that Senate Bill No. 2324 be moved to the heel of the Calendar.

***House Bill No. 2464** -- Local Government, General - Makes changes to local government real property tax deferral provisions for persons 65 years of age or older (Chapter 831 deferral) Amends TCA Title 7, Chapter 64, Part 1. by *Scroggs, *Miller L, *Kent. (SB2771 by *Person)

On motion, House Bill No. 2464 was made to conform with **Senate Bill No. 2771**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that **Senate Bill No. 2771** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0
Present and not voting	1

THURSDAY, APRIL 9, 1998 -- EIGHTY-THIRD LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

***House Bill No. 2466** -- Local Government, General - Makes changes to local government real property tax deferrals (Chapter 659). Amends TCA Title 7, Chapter 64, Part 2. by *Scroggs, *Miller L, *Kent. (SB2769 by *Person, *McNally)

On motion, House Bill No. 2466 was made to conform with **Senate Bill No. 2769**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that Senate Bill No. 2769 be passed on third and final consideration.

Rep. Hargett moved the previous question, which motion prevailed.

Rep. Scroggs moved that **Senate Bill No. 2769** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	90
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

Senate Bill No. 2324 -- Education - Requires penalties for violating zero tolerance policy to be imposed on case-by-case basis, taking into consideration specific infraction and intent of student in violating policy. Amends TCA Section 49-6-3401; Section 49-6-4018 and Section 49-6-4216. by *Dixon, *Harper. (*HB2082 by *Pruitt)

Further consideration of Senate Bill No. 2324 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill and the House withdrew Amendment(s) No(s). 1, 2 and 3.

Rep. Pruitt moved that Senate Bill No. 2324 be passed on third and final consideration.

Rep. Pruitt moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2324 by deleting (d)(4) in Section 1 of the amendment and substituting the following as a new (d)(4):

(4) The Office of Education Accountability shall analyze all such forms collected by the Department of Education and shall annually report the results specified in subdivision (2) to the Education Oversight Committee, the General Assembly, the Governor and the State Board of Education.

On motion, Amendment No. 4 was adopted.

Rep. McDonald moved the previous question, which motion prevailed.

Rep. Pruitt moved that **Senate Bill No. 2324** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Churnney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2916 -- Public Records - Provides procedure for counties to destroy certain public records. Amends TCA Title 10, Chapter 7. by *Hargrove. (*SB2284 by *Rochelle)

On motion, House Bill No. 2916 was moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3142** -- Claims Commission, Tennessee - Revises duties and responsibilities relative to claimants and victims of crime. Amends TCA Title 9, Chapter 8, Part 3, and Sections 9-8-111, 9-8-402(a), 9-8-402(b), 9-8-403, 12-3-214(d), 12-4-109(a)(1)(B)(viii), 29-13-106(e), 29-13-108, and 29-13-109. by *Hargrove. (SB3225 by *Kyle)

On motion, House Bill No. 3142 was moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2286** -- County Officers - Authorizes register of deeds of Lincoln County to collect \$2.00 data processing fee for purchase and maintenance of computers and supplies upon adoption of resolution by 2/3 vote of county legislative body. Amends TCA Section 8-21-1001. by *Phillips, *Fowlkes. (SB2384 by *Cooper)

On motion, House Bill No. 2286 was reset to the Message Calendar for April 15, 1998.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2482 -- Children, Employment of - Creates exemption from child labor law for student enrolled with church-related school or who is home schooled; requires student to present letter to employer signed by superintendent confirming student's enrollment and authorization to work; redefines "superintendent." Amends TCA Title 50, Chapter 5, Part 1. by *Stulce. (*SB2521 by *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 2482 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-5-105, is amended by adding the following language as a new subsection (c), redesignating the present subsection (c) as subsection (d):

(c) With respect to a student enrolled with a church-related school as defined in §49-50-801 or who is homeschooled in accordance with the provisions of §49-6-3050 and has the consent of the parent conducting the homeschool, the provisions of subsection (b)(1) shall not apply. However, to work during the hours identified in subsection (b)(1), such student shall also present to his employer a letter signed by the superintendent, as defined in 50-5-102(12), confirming the student's enrollment and his authorization to work.

SECTION 2. Tennessee Code Annotated, Section 50-5-102(12), is amended by adding the following language at the end of the subdivision:

Provided, however, with respect to a home school as defined in §49-6-3050, the superintendent of schools means the superintendent of the LEA where the child who has been registered as a home schooled child would otherwise attend; and with respect to a home school which teaches kindergarten (K) through grade twelve (12) where the parents are associated with an organization that conducts church related schools as defined in §49-50-801, the superintendent of schools means the superintendent of such church related school.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Stulce moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2482**, which motion prevailed by the following vote:

Ayes	81
Noes	7
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Rhea), Walley, West, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Beavers, Boyer, Dunn, Goins, Hargett, Maddox, Walker (Blount) -- 7.

Representatives present and not voting were: Towns, Westmoreland -- 2.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3222** -- Courts, General Sessions - Gives general sessions court judge authority to suspend costs and litigation taxes for indigent criminal defendant. by *Stulce. (SB3265 by *Crutchfield)

Senate Amendment No. 1

AMEND House Bill No. 3222 by deleting from Section 1 of the printed bill the words "a court of general sessions" and by substituting instead the words "a court of general sessions or any court of record".

Rep. Stulce moved that the House non-concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3222**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2077** -- Municipal Government - Permits water facility with less than 900 customers to exclude depreciation on assets acquired with state or federal grant funds in determining whether facility has retained earnings or operating deficit. Amends TCA Section 68-221-1010. by *Walley. (SB2949 by *Wilder)

Rep. Walley moved that House Bill No(s). 2077 be reset for the Message Calendar on April 15, 1998, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2916 -- Public Records - Provides procedure for counties to destroy certain public records. Amends TCA Title 10, Chapter 7. by *Hargrove. (*SB2284 by *Rochelle)

Further consideration of House Bill No. 2916 previously considered on today's Message Calendar.

Senate Amendment No. 2

AMEND House Bill No. 2916 by deleting Sections 3, 4, 5, and 6, added by House Amendment #1, and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 10-7-401, is amended by deleting from the first sentence the language "composed of six (6) members" and substituting instead the language "composed of at least six (6) members".

SECTION 4. Tennessee Code Annotated, Section 10-7-401, is further amended by inserting the following between the fourth and fifth sentences:

In counties having a duly appointed county archivist, that person shall also serve as an ex officio member of the commission.

SECTION 5. This act shall take effect on July 1, 1999, the public welfare requiring it.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2916**, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3142** -- Claims Commission, Tennessee - Revises duties and responsibilities relative to claimants and victims of crime Amends TCA Title 9, Chapter 8, Part 3, and Sections 9-8-111, 9-8-402(a), 9-8-402(b), 9-8-403, 12-3-214(d), 12-4-109(a)(1)(B)(viii), 29-13-106(e), 29-13-108, and 29-13-109. by *Hargrove. (SB3225 by *Kyle)

Further consideration of House Bill No. 3142 previously considered on today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 3142 by deleting the amendatory language of SECTION 7 in its entirety and by substituting instead the following:

Negligent deprivation of statutory rights created under Tennessee law, except for actions arising out of claims over which the civil service commission has jurisdiction. The claimant must prove under this subdivision that the legislature expressly conferred a private right of action in favor of the claimant against the state for the state's violation of the particular statute's provisions;

by deleting the fourth sentence of the amendatory language in SECTION 17 and by substituting instead the following:

For workers' compensation purposes, when voluntary payments of compensation or medical expenses have been paid by the division of claims administration or the administrator of the state's workers' compensation program, a claim to recover any unpaid or further workers' compensation benefits must be instituted in the claims commission within the one-year period prescribed in § 50-6-203, except in those cases provided for by § 50-6-230 or by § 7-51-201.

by deleting the amendatory and directory language of SECTION 18 in its entirety and by substituting instead the following:

SECTION 18. Tennessee Code Annotated, Section 9-8-307(a)(1)(l), is amended by deleting the semicolon ";," which appears immediately after the word "structures" and by substituting instead a comma ",".

by adding the following new sentence at the end of the amendatory language in SECTION 20:

A district attorney general who fails to supply the division with the report required in subsection (d) of this section within one hundred eighty (180) days of the division's receipt of the claim shall be deemed to have waived the right to apply for a suspension under this section, unless good cause is shown for such failure.

by deleting the following from the amendatory language in SECTION 25:

Notwithstanding any other law to the contrary, if the division denies a claim on the basis that the claimant does not meet the eligibility requirements for compensation under this part and the claimant appeals the denial to the commission, or if the division transfers the claim to the commission as a result of its inability to honor or deny the claim within the ninety (90) day settlement period, the commission shall consider the claim for the sole purpose of determining whether the claimant meets such eligibility requirements.

and by substituting instead the following:

Notwithstanding any other law to the contrary, if the division denies a claim on the basis that the claimant does not meet the eligibility requirements for compensation under this part and the claimant appeals the denial to the commission, or if the division transfers the claim to the commission as a result of its inability to honor or deny the claim within the ninety (90) day settlement period, the commission shall consider the claim for the sole purpose of determining whether the claimant meets such eligibility requirements. Such an eligibility requirement may include a determination as to whether the claimant has shown

good cause for failing to file the claim within the one (1) year period as prescribed in subsection (a) of this section.

by deleting the amendatory language of SECTION 30 and by substituting instead the following:

40-38-1 _____. The office of the district attorney general shall notify in writing each victim of a violent crime who may be eligible for compensation under the criminal injuries compensation act of the methods by which the victim may obtain such compensation. The written notice shall be substantially in the form and content as prescribed by the state treasurer. In cases involving the death of such a victim, the notification shall be given to the closest relative to the deceased victim. For purposes of this section, "closest relative" shall have the same meaning as that given in § 34-11-101 (3).

by adding the following language as a new, appropriately designated section to immediately follow the existing Section 30 and by renumbering the subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 9-8-307(i), is amended by deleting that subsection in its entirety and by substituting instead the following:

(i)(1) Claims that were timely filed against state employees with a court of competent jurisdiction and that fall within the jurisdiction of the claims commission found in subsection (a)(1)(A) shall be dismissed as to the state employees and transferred to the division of claims administration to proceed as a claim against the state provided that the state employees alleged to have acted negligently were, at the time of the incident giving rise to the claim, operating a private motor vehicle within the scope of the employees' office or employment, and the employees' action or inaction was not willful, malicious, criminal or done for personal gain. When a motion for transfer is made, the court shall require that notice be given to the attorney general and the state shall be permitted to intervene and respond to the motion. Upon such transfer, the claim shall be considered timely filed with the division of claims administration and the claims commission. Such transfer shall be effected upon an order of dismissal and transfer from the court. Any such transfer must be made within one (1) year of the filing of the original complaint with the court or the passage of this act, whichever is later. Such claims shall be considered by the division of claims administration and the claims commission, as provided by law. This subsection shall be effective for causes of action arising on or after July 1, 1995, pending at the time of passage of this act and causes of action arising on or after the effective date of this act.

(2) Claims which are transferred to the division of claims administration pursuant to this subdivision shall be investigated by the division of claims administration, acted upon or transferred by the division, and acted upon by the claims commission pursuant to the same statutory requirements and procedures as apply to claims originally filed with the division of claims administration.

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3142**, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Maddox moved that the rules be suspended to remove House Joint Resolution No. 552 from the Consent Calendar on April 13, 1998, which motion prevailed.

House Joint Resolution No. 552 -- Naming and Designating - Pterotrignonia (Scabrottrignonia) thoracica, official state fossil. by *Maddox.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Maddox, the resolution was adopted by the following vote:

Ayes 88
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Odom, Patton,

THURSDAY, APRIL 9, 1998 -- EIGHTY-THIRD LEGISLATIVE DAY

Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Miller moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 632 out of order, which motion prevailed.

Senate Joint Resolution No. 632 -- Memorials, Sports - 1997-1998 Shelby State Community College mens' basketball team, national runner-up. by *Cohen.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Miller, the resolution was concurred in by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 579 out of order, which motion prevailed.

Senate Joint Resolution No. 579 -- Naming and Designating - "Appreciation Week for Graduate and Professional Students," April 5-11, 1998. by *Womack.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Davidson, the resolution was concurred in.

A motion to reconsider was tabled.

REQUEST TO RESET BILL

Rep. Garrett requested that House Bill No. 3312 be reset to the Calendar for Thursday, April 16, 1998.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 15, 1998:

House Bill No. 2662: by Rep. Williams

House Bill No. 2718: by Rep. Eckles

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 697 out of order, which motion prevailed.

House Joint Resolution No. 697 -- General Assembly, Adjournment, Recess - Recesses the House of Representatives at the close of business of April 9, 1998 until 1:00 P.M. on April 15, 1998. by *Hargrove, *McDaniel.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

ENROLLED BILLS

April 9, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 3340.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 9, 1998

The Speaker signed the following: House Bill(s) No(s). 3340.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 9, 1998

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 641.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 9, 1998

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 468, 686, 688, 689, 690, 693 and 695.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2341, 2517 and 2926; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 641; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3391, 3400, 3401, 3404, 3405 and 3406; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2915 and 3167; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672 and 675; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 573, 574, 575 and 576; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2395, 2993 and 3279; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 9, 1998

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 697.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2599, 3217 and 3304; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 9, 1998

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2351.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3340; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2596, 2673, 2675, 2744, 2754, 2877, 3049 and 3092; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2596** -- Taxes - Requires standard exemption amount allowable for gifts to Class A donees to increase each year by same amount, if any, that federal annual exclusion amount for gifts increases. Amends TCA Title 67, Chapter 8, Parts 1, 3 and 4 and Section 67-8-104. by *Herron, *McNally, *Graves, *Herron, *Gilbert, *Miller J, *Burks.

***Senate Bill No. 2673** -- Pardons and Paroles - Allows sex abuse treatment program for sexual offenders to be factor rather than requirement for parole Amends TCA Section 41-21-235(b). by *Kyle.

***Senate Bill No. 2675** -- Sexual Offenses - Removes department of mental health and mental retardation from agencies responsible for development of sexual abuse treatment program for incarcerated sexual offenders Amends TCA Section 41-21-235(a). by *Kyle.

Senate Bill No. 2744 -- Education - Provides for juvenile justice alternative education programs and juvenile court supervision of suspended and expelled students. Amends TCA Title 37 and Title 49, Chapter 6, Part 34. by *Person.

***Senate Bill No. 2754** -- Juvenile Offenders - Establishes public location curfew in Shelby County from 12:00 midnight until 5:00 a.m. for minors not accompanied by parent or guardian. Amends TCA Title 37, Chapter 10. by *Person.

***Senate Bill No. 2877** -- Taxes, Personal Property - Provides that personal property valued at \$5,000 or less deemed to have no value for property tax; placing monetary limit on value may by implication alter present law which places no value on all other tangible personal property not public utility or industrial and commercial property; allows assessor to back assess or reassess. Amends TCA Section 67-5-903. by *Springer.

***Senate Bill No. 3049** -- Taxes, Litigation - Imposes additional \$1.00 privilege tax on each criminal case involving taking of fingerprints Amends TCA Title 67, Chapter 4. by *Person.

Senate Bill No. 3092 -- Education - Increases and reorganizes membership of special education advisory council; redefines "child with disabilities." Amends TCA Sections 49-10-101, 49-10-102, 49-10-105. by *Crowe, *Atchley.

THURSDAY, APRIL 9, 1998 -- EIGHTY-THIRD LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 691 and 697; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

April 9, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 641, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 675, 691 and 697; also, House Resolution(s) No(s). 177, 190 and 191.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 9, 1998

The Speaker signed the following: House Joint Resolution(s) No(s). 641, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 675, 691 and 697; also, House Resolution(s) No(s). 177, 190 and 191.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1102, 2313 and 2954; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2787.

The Senate refused to recede from its action in adopting Amendment No. 1. The Speaker appointed a Conference Committee composed of Senators Gilbert, McNally and Herron to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 2787.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 9, 1998

The Speaker signed the following: Senate Bill(s) No(s). 1137, 1561, 1638, 2213, 2217, 2229, 2271, 2377, 2530, 2711 and 2755; also, Senate Joint Resolution(s) No(s). 450, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 559, 560, 562, 563, 564, 566, 569, 570, 573, 574, 575, 576, 587 and 632.

MESSAGE FROM THE SENATE

April 9, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 632; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 9, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 67, 81, 86, 127, 135, 2405, 2605, 2716, 2803, 2907, 3012 and 3269, also, House Joint Resolution(s) No(s). 552 and 625.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR

April 9, 1998

The following local bills have been placed on the Consent Calendar for **April 15, 1998**: House Bill(s) No(s). 3403, 3407, 3408, 3409, 3410, 3413, 3415, 3416, 3417, 3418 and 3419.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Hargrove and pursuant to House Joint Resolution No. 697, the House recessed until 1:00 p.m., Wednesday, April 15, 1998.